

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

James M. Boyle Jr.
Diane J. Boyle
Debtor(s)

Bankruptcy Case No.: 15-20364-GLT
Issued Per 8/9/2018 Proceeding
Chapter: 13
Docket No.: 159 – 152
Concil. Conf.: August 9, 2018 at 03:00 PM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated June 22, 2018 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$2,939.00 as of August, 2018. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Aug. 9, 2018 at 03:00 PM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Claim No. 9 of Santander as a long term debt .
- ☒ H. Additional Terms: Claim No. 8 of FNMA shall govern as to arrears with payment changes implemented.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

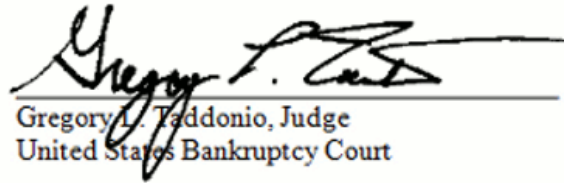
B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Gregory A. Taddonio, Judge
United States Bankruptcy Court

Dated: August 10, 2018

cc: All Parties in Interest to be served by Clerk in seven (7) days

Imaged Certificate of Notice Page 4 of 5

United States Bankruptcy Court
Western District of PennsylvaniaIn re:
James M. Boyle, Jr.
Diane J. Boyle
DebtorsCase No. 15-20364-GLT
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: dbas
Form ID: 149Page 1 of 2
Total Noticed: 29

Date Rcvd: Aug 10, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 12, 2018.

db/jdb
cr +James M. Boyle, Jr., Diane J. Boyle, 3105 Deerwood Drive, Allison Park, PA 15101-3937
+Ally Financial, Tucker Arensberg, P.C., c/o Brett A. Solomon, Esquire, 1500 One PPG Place,
Pittsburgh, Pa 15222-5413
cr +Federal National Mortgage Association, c/o Rosicki, Rosicki & Associates, P.C.,
51 East Bethpage Road, Plainview, NY 11803-4224
cr +Peoples Natural Gas Company, LLC, Attn: Dawn Lindner, 375 North Shore Drive, Suite 600,
Pittsburgh, PA 15212-5866
14005829 +Amy F Doyle, Esq., 204 Saint Charles Way, Unit E #177, York, PA 17402-4646
14007589 +BMO Harris Bank N.A., ATTN: BRK-180-RC, 770 N Water St, Milwaukee WI 53202-0002
14700628 +BMO Harris Bank, N.A., P.O. Box 2035, Milwaukee, WI 53201-2035
14113263 +Chrysler Capital, P.O. Box 961275, Fort Worth, TX 76161-0275
14005831 +ECMC, PO Box 16408, Saint Paul, MN 55116-0408
13991095 +FNMA, 14523 South Millikan Way, Ste 200, Beaverton, OR 97005-2352
14076797 +Federal National Mortgage Association (FNMA), Seterus Inc, 14523 SW Miliken Way,
Suite 200, Beaverton, OR 97005-2352
14005833 +Frederic I Weinberg, Esq., 1001 East Hector Street, Suite 220,
Conshohocken, PA 19428-2395
13991096 +KML LAW GROUP, PC, Ste 5000, BNY MELLON Independence Center, 701 Market Street,
Philadelphia, PA 19106-1541
14005837 M & I Bank, 11548 W. Theodore Trecker Way, Milwaukee, WI 53214-1142
14005838 +Midland Funding LLC, 4660 Trindle Road, Camp Hill, PA 17011-5610
14017221 +Peoples Natural Gas Company, LLC, 375 North Shore Drive, Suite 600,
Pittsburgh, PA 15212-5866, Attn: Dawn Lindner
13991097 +Peter Ashcroft, Esq., Bernstein Burkley, 707 Grant Street, Ste 2200 Gulf Tower,
Pittsburgh, PA 15219-1908
14005841 +Philip C Warholic, Esq., Capozzi & Assoc, PC, PO Box 5866, Harrisburg, PA 17110-0866
14004445 +School District and Township of Shaler (EIT), Attn: Kathleen Golembiewski, 300 Wetzel Road,
Glenshaw, PA 15116-2280
13991098 +Scool District & Township of Shaler, 300 Wetzel Road, Glenshaw, PA 15116-2280
14005844 +US Department of Education, 400 Maryland Avenue SW, Washington, DC 20202-0001

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

13991094 +E-mail/Text: ally@ebn.phinsolutions.com Aug 11 2018 02:11:55 Ally Financial,
PO Box 130424, Roseville, MN 55113-0004
14005828 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Aug 11 2018 02:20:24 American InfoSource LP,
PO BOX 269093, Oklahoma City, OK 73126-9093
14005830 +E-mail/Text: ACF-EBN@acf-inc.com Aug 11 2018 02:11:54 Atlantic Credit & Finance Inc,
2727 Franklin Road, Roanoke, VA 24014-1011
14067398 +E-mail/Text: kburkley@bernsteinlaw.com Aug 11 2018 02:13:17 Duquesne Light Company,
c/o Peter J. Ashcroft,, Bernstein-Burkley, P.C.,, 707 Grant St., Suite 2200, Gulf Tower,,
Pittsburgh, PA 15219-1945
14005834 E-mail/Text: JCAP_BNC_Notices@jcap.com Aug 11 2018 02:12:53 Jefferson Capital Systems, LLC,
PO Box 7999, Saint Cloud, MN 56302-9617
14005836 +E-mail/PDF: resurgentbknofications@resurgent.com Aug 11 2018 01:53:56 LVNV Funding LLC,
c/o RCS, LP, 15 South Main Street, Greenville, SC 29601-2743
14073060 E-mail/PDF: resurgentbknofications@resurgent.com Aug 11 2018 01:53:56
LVNV Funding, LLC its successors and assigns as, assignee of Citibank (South Dakota),,
N.A., Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
14005839 E-mail/Text: ebn@vativrecovery.com Aug 11 2018 02:12:05 Palisades Acquisition IX, LLC,
c/o Viativ Recovery Solutions LLC, PO Box 40728, Houston, TX 77240-0728

TOTAL: 8

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr BMO Harris Bank, N.A.
cr Duquesne Light Company
cr Federal National Mortgage Association (FNMA)
cr School District and Township of Shaler (EIT)
14005827* +Ally Financial, PO Box 130424, Roseville, MN 55113-0004
14005832* +FNMA, 14523 South Millikan Way, Ste 200, Beaverton, OR 97005-2352
14005835* +KML LAW GROUP, PC, Ste 5000, BNY MELLON Independence Center, 701 Market Street,
Philadelphia, PA 19106-1541
14005840* +Peter Ashcroft, Esq., Bernstein Burkley, 707 Grant Street, Ste 2200 Gulf Tower,
Pittsburgh, PA 15219-1908
14005842* +Scool District & Township of Shaler, 300 Wetzel Road, Glenshaw, PA 15116-2280
14005843* Seterus, PO BOX 2008, Grand Rapids, MI 49501-2008
13991099 ##Seterus, PO BOX 2008, Grand Rapids, MI 49501-2008

TOTALS: 4, * 6, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
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User: dbas
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Total Noticed: 29

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***** BYPASSED RECIPIENTS (continued) *****

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 12, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 10, 2018 at the address(es) listed below:

Andrew F Gornall on behalf of Creditor Federal National Mortgage Association (FNMA)
andygornall@latouflawfirm.com
Brett A. Solomon on behalf of Creditor Ally Financial bsolomon@tuckerlaw.com,
agilbert@tuckerlaw.com;cabbott@tuckerlaw.com;dparanay@tuckerlaw.com
David Z. Valencik on behalf of Debtor James M. Boyle, Jr. dvalencik@c-vlaw.com,
cylaw.ecf.dvalencik@gmail.com;ah Heath@c-vlaw.com;kmosur@c-vlaw.com;bhassain@c-vlaw.com;ssimmons@c-
vlaw.com/mpeduto@c-vlaw.com
David Z. Valencik on behalf of Joint Debtor Diane J. Boyle dvalencik@c-vlaw.com,
cylaw.ecf.dvalencik@gmail.com;ah Heath@c-vlaw.com;kmosur@c-vlaw.com;bhassain@c-vlaw.com;ssimmons@c-
vlaw.com/mpeduto@c-vlaw.com
Donald R. Calaiaro on behalf of Debtor James M. Boyle, Jr. dcalaiaro@c-vlaw.com,
cylaw.ecf.dcalaiaro@gmail.com;ah Heath@c-vlaw.com;kmosur@c-vlaw.com;bhassain@c-vlaw.com;ssimmons@c-
vlaw.com/mpeduto@c-vlaw.com
Donald R. Calaiaro on behalf of Joint Debtor Diane J. Boyle dcalaiaro@c-vlaw.com,
cylaw.ecf.dcalaiaro@gmail.com;ah Heath@c-vlaw.com;kmosur@c-vlaw.com;bhassain@c-vlaw.com;ssimmons@c-
vlaw.com/mpeduto@c-vlaw.com
Heather Stacey Riloff on behalf of Creditor Federal National Mortgage Association
heather@mvrlaw.com, Michelle@mvrlaw.com
James Warmbrodt on behalf of Creditor Federal National Mortgage Association
bkgroup@kmlawgroup.com
James P. Valecko on behalf of Creditor BMO Harris Bank, N.A. jvalecko@weltman.com,
PitEcf@weltman.com
Jeniece D. Davis on behalf of Creditor Federal National Mortgage Association (FNMA)
jeniece@mvrlaw.com, bonnie@mvrlaw.com
Joshua I. Goldman on behalf of Creditor Federal National Mortgage Association (FNMA)
bkgroup@kmlawgroup.com
Mark B. Peduto on behalf of Debtor James M. Boyle, Jr. pandaecfinbox@yahoo.com
Mark B. Peduto on behalf of Joint Debtor Diane J. Boyle pandaecfinbox@yahoo.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Peter J. Ashcroft on behalf of Creditor Duquesne Light Company pashcroft@bernsteinlaw.com,
ckutch@ecf.courtdrive.com;acarr@bernsteinlaw.com
Peter J. Ashcroft on behalf of Creditor School District and Township of Shaler (EIT)
pashcroft@bernsteinlaw.com, ckutch@ecf.courtdrive.com;acarr@bernsteinlaw.com
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
Ronda J. Winnecour on behalf of Trustee Ronda J. Winnecour cmecf@chapter13trusteedpa.com
S. James Wallace on behalf of Creditor Peoples Natural Gas Company, LLC sjw@sjwpgh.com,
srk@sjwpgh.com;PNGbankruptcy@peoples-gas.com

TOTAL: 19